



Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the terms of a separate Memorandum of Understanding, the parties Commonwealth Scientific and Industrial Research Organisation (“CSIRO”) and Toshiba America Information Systems, Inc. (“TAIS”) have agreed to settle, adjust, and compromise all claims and counterclaims against each other in the above-captioned action. The parties, therefore, move this Court to dismiss all claims by CSIRO against TAIS, and all claims by TAIS against CSIRO, made therein without prejudice to the re-filing of same. Upon receipt of certain payments from TAIS, the parties will file an Agreed Motion to Dismiss With Prejudice.

CSIRO and TAIS further move the Court to order that all costs and expenses relating to this litigation (including attorney and expert fees and expenses) shall be borne solely by the party incurring same.

A proposed Order accompanies this motion.

AGREED:

Dated: April 21, 2009

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Dated: April 21, 2009

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**CERTIFICATE OF SERVICE**

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served this 21st day of April, 2009, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Daniel J. Furniss

Daniel J. Furniss

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